REMARKS

The following are the applicant's response to issues raised in the order as presented in the Office Action dated 12/08/2004. Two copies of an amended specification with corrections and additions imported are enclosed in addition to a marked up version of the previous specification.

Objection to the Disclosure under 35 CFR 1.163(a) and 35 U.S.C. 112

The disclosure was objected to because the specification presented a less than a full, clear, and complete botanical description of the instant plant. Accordingly, the specification has been amended, according to the examiner's suggestions, to more clearly and completely describe the plant. It is respectfully requested that the objections to the disclosure be withdrawn.

More specifically:

- A. The applicant grants his permission to change the figure numbers to –Fig. 1,--Fig. 2 in the specification and to correct the drawings to reflect those changes.
- B. The examiner requested information describing whether the leaves are rolled or folded in the bud. The botanical description of *Andropogon gerardi* describes the leaves as being "curled" in the bud. The applicant requests that --Leaf bud arrangement.—Curled.--be accepted by the examiner and inserted on page 5, after line 9.
- C. The examiner requested color designations for the awns, glumes, lemma, palae, rhizomes, and any auricles to beset forth. The applicant has amended the specification to include a more accurate description of the awns, glumes, lemma, and palae in the "Sessile spikelet description"; the glumes, lemma, and palae color descriptors were added, the awn is actually a single, very fine awn and difficult to discern in color and language was added to more completely describe the awns. The applicant has amended the specification to include the rhizome color; inserted on page 4, after line 3. Auricles are not present in this

species, the applicant has amended the specification to specify this fact on page 5, after line 5.

D. The examiner requested information in regards to the extent of outcrossing vs. apomictic reproduction. The applicant believes that no apomictic reproduction occurs with this species. The applicant grants the examiner permission to insert language to indicate this fact in the specification at the examiner's discretion.

Claim Rejection under 35 U.S.C. 112, 1st and 2nd Paragraphs

The claim was rejected under 35 USC 112 as not being supported by a clear and complete botanical description. Accordingly, the botanical description has been amended to more clearly describe the plant. It is respectfully requested that the 35 U.S.C. 112 rejection be withdrawn. The claimed plant is now believed to be in condition for allowance.

CONCLUSION

The examiner's attention to each of the parts of the patent application is greatly appreciated. The examiner is encouraged to contact the applicant's agent for any additional information that can be provided to move the application towards allowance.

Respectfully submitted,

Signed__ _02/01/2005_

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